

**CUSTODY, CHILD SUPPORT  
and PARENTING TIME  
(Formerly known as “VISITATION”)**

**1**

**To Change an  
Existing Court Order**  
(Instruction Packet)

## SELF SERVICE CENTER

### TO CHANGE A COURT ORDER FOR CUSTODY PARENTING TIME (formerly known as “VISITATION”) and CHILD SUPPORT

#### How to assemble these documents

This packet contains instructions to file papers for the court order to change child custody and/or parenting time with child support. Be sure the documents are in the following order:

Order	File Number	Title	No. Pp.
1	DRMC1it	Table of instructions in this packet	1
2	DRMC10h	Information on How to Get a Change of Custody, Parenting Time and Child Support”	2
3	DRMC11i	Instructions: How to Fill Out Papers for Change of Custody, Parenting Time, and Child Support	4
4	DRMC11p	Procedures: What to do After You Have Completed The <b><i>“Petition for Change of Custody, Parenting Time and Child Support”</i></b>	2
5	DRS12i	Instructions: How to Complete the <b><i>“Child Support Worksheet”</i></b>	8

The documents you have received are copyrighted by the Superior Court of Arizona in Maricopa County. You have permission to use them for any lawful purpose. These forms shall not be used to engage in the unauthorized practice of law. The Court assumes no responsibility and accepts no liability for actions taken by users of these documents, including reliance on their contents. The documents are under continual revision and are current only for the day they were received. It is strongly recommended that you verify on a regular basis that you have the most current documents.

## SELF-SERVICE CENTER

### INFORMATION ON HOW TO GET A CHANGE OF CUSTODY, CHILD SUPPORT and PARENTING TIME (formerly known as "VISITATION")

**IMPORTANT INFORMATION.** The following is important information on when you can legally ask the court for a change of custody, parenting time and child support. Read it carefully **before** you fill out the Petition.

#### 1. WHEN CAN YOU FILE FOR A CHANGE OF CUSTODY?

- A. IF YOU HAVE A JOINT CUSTODY ORDER** - You can **only** ask for a change of custody if the following applies to your case:
- At least one (1) year has passed since your joint custody order was signed by the court and there have been significant changes in circumstances that make a change in custody necessary for the good of the child, **OR**
  - At least six (6) months have passed and the other parent has not followed the joint custody order, **OR**
  - There has been domestic violence, spousal abuse, or child abuse and you have evidence that the best interest of your child(ren) requires a change.
- B. IF YOU HAVE A SOLE CUSTODY ORDER** - You can **only** ask for a change of custody if the following applies to your case:
- at least one(1) year has passed since your sole custody order was signed by the court, and there have been significant changes in circumstances that make a change in custody necessary for the good of the child, **OR**
  - There is reason to believe that the child(ren)'s current environment may seriously endanger the child(ren)'s physical, mental, moral or emotional health and your child(ren) is/are at risk.

**WARNING:** If enough time has not passed since the signing of your decree/order to allow you to file for a change of custody, you **cannot** file for a change of custody, **unless** your case falls under one of the exceptions listed above. You may, however, want to seek mediation or counseling as soon as possible (see below).

**IMPORTANT:** If you have reason to believe that the other parent, or someone associated with the other parent, is physically abusing or hurting your child(ren), you should contact Child Protective Services or your local Police Department immediately. If your child is in a dangerous situation, you should take steps to file for an Emergency Change of Custody as soon as possible. You will also need to fill out the **"Petition to Modify Custody"** to get a permanent change of custody. All forms are available through the Self-Service Center.

#### 2. THINGS TO CONSIDER BEFORE FILING A CHANGE OF CUSTODY:

- A.** Filing for a change of custody and/or parenting time is a **serious matter** and generally should be considered as a **last resort**. Raising a child in two households, arranging for parenting time, and making joint decisions about a child's welfare can lead to high levels of stress, conflict, and anger between you and the other party, and the child. Unless your child is in immediate physical or emotional risk you may want to seek counseling or mediation **before** you take legal action.

Mediation is a process where you and the other parent meet with a professional who will try to help you work together to find a solution to your problem. The mediator is not there to take sides, but can help you understand the other parent's point of view. The mediator will help you approach your problems in a way that will more likely lead to an agreement and will help you to focus on your child's needs first.

Mediation services are available through Expedited Parenting time Services in the Superior Court, or through private mediation services. You may also want to consider family counseling to learn how to better deal with ongoing problems. A list of mediators and counselors is available through the Self-Service Center or you can contact Community Information and Referral Services at 602-263-8856.

- B.** To change custody, you must convince the judge through appropriate evidence, that the best interests of the child(ren) requires that custody be changed. The judge usually will **not** change custody unless you can show that there is a **substantial and continuing change of circumstances**. What this means is that you must convince the judge that something has happened since the Decree or Order was signed that will be **continuing** and which makes you the better parent to have custody of the child. Changes like a new spouse, change or loss of job, or new place of residence are generally not enough to change custody.

You must show that the change or situation has a **substantial effect** on the child's well being. Judges generally do **not** want to put a child through another serious change in surroundings, unless he or she is convinced it is necessary for the child(ren)'s welfare.

There are many things the judge may look at in deciding "the best interest of the child(ren)." The law says that the court will look at issues such as:

- how the child relates to parents, brothers and sisters;
- how the child is doing in school and socially;
- which parent is more likely to cooperate in giving parenting time to the other parent;
- which parent is better able mentally and physically to care for the child;
- which parent has provided the primary care to the child; and
- evidence of what a parent has done to convince the other parent to make a custody agreement.

The court will give serious consideration to domestic violence against you, the child, or another person in the child's presence when deciding whether or not to change custody. Evidence of drug or alcohol abuse by either parent is also an important factor in a custody decision.

**4. TIPS FOR FILING A CHANGE OF CUSTODY.** A change of custody has several special requirements that you should understand before you begin.

- Tip #1:** Whenever possible, try to solve your custody problems through counseling or mediation, **unless** your child(ren) is/are at immediate risk. If you don't try to solve your problems before you file, your chances of success will be reduced in court.
- Tip #2:** Before you file, make sure six (6) months have passed since your final joint custody Decree/Order was signed, or one (1) full year has passed since your sole custody Decree/Order was signed, **unless** you meet an exception listed above.
- Tip #3:** Be sure that the changes in circumstances that caused you to request the change of custody are **important** and **related to issues** of your child's long term best interest. In other words, do **not** file for a change of custody, if you simply aren't getting along with the other parent or have changed your mind about custody. Be sure that if you are making allegations of abuse or neglect, that you have witnesses or evidence to back up your statements.
- Tip #4:** If your child(ren) has/have been **seriously hurt or physically abused**, contact the appropriate authorities and file a **"Petition for Emergency Custody"** to get the child out of the dangerous environment as soon as possible. You will still need to file a **"Petition to Change Custody."** These forms are available at the Self-Service Center.

## SELF SERVICE CENTER

### INSTRUCTIONS: HOW TO FILL OUT PAPERS FOR CHANGE OF CHILD CUSTODY, CHILD SUPPORT and PARENTING TIME (Formerly known as "VISITATION")

**IMPORTANT INFORMATION:** These instructions tell you how to fill out the forms to file a *"Petition for Change of Custody, parenting time and Child Support."* Before filling out the forms, you should read the Information on How to Get a Change of Custody to learn what you should know before you file your papers. Reading this information can save you a lot of time and trouble. You must make sure that it is not too soon for you to file and to find out if you have a legal basis to file.

1. **DOES THE SUPERIOR COURT OF ARIZONA IN MARICOPA COUNTY HAVE THE POWER TO HEAR YOUR CASE?** The answer to this question **must** be **"yes"** for you to file a Petition to Change Custody. Superior Court of Arizona in Maricopa County has the power to hear your case in the following cases:
  - A. **THE COURT ORDER YOU WANT TO CHANGE IS FROM THE SUPERIOR COURT OF ARIZONA IN MARICOPA COUNTY:** You will want to have a copy of your Order in front of you as you fill out these papers.
  - B. **IF THE COURT ORDER YOU WANT TO CHANGE IS FROM ANOTHER COUNTY IN ARIZONA:** Either party may file for change in custody but the child(ren) must have lived in Maricopa County for the last 6 months, or since birth. Here is what you must do:
    - Get a **certified copy** of the divorce decree, paternity, or child custody order from the other county, and
    - Bring the certified copy to the Clerk of Court when you file your court papers, and
    - The Clerk of Court will file the order and assign a new case number to your case.
  - C. **IF THE COURT ORDER YOU WANT TO CHANGE IS FROM A STATE OTHER THAN ARIZONA:** Talk to lawyer who can tell you what requirements are necessary for you to file a Petition for Modification in Arizona.
2. **IMPORTANT NOTICE TO VICTIMS OF DOMESTIC VIOLENCE:** Domestic violence can be part of any relationship. Domestic violence can include physical violence, such as hitting, kicking, slapping or pushing, directed against you and/ or your children. Domestic violence can also include threats of physical violence and/or verbal abuse used to control your and/or your children. The other party does NOT need to have been convicted of domestic violence or assault for you to be a domestic violence victim, and you do not need to have sought medical care or been admitted to a hospital to be a victim.

All court documents request your address and phone number. If you are a victim of domestic violence, are in a domestic violence shelter, or if you do **not** want your address known to protect yourself or your children from further violence, you must file for an **"Order of Protection"** and ask that your address **not** be disclosed on court papers. With that Order, you do not need to put your address and phone number on your court papers. Just write "protected" when asked for this information and update the Clerk of the Court with an address and phone number as soon as possible.

**3. INSTRUCTIONS FOR FILLING OUT THE PETITION FOR CHANGE OF CUSTODY AND/OR PARENTING TIME WITH CHILD SUPPORT:** (Use this form only if you already have a divorce, paternity, or child custody order.)

**A. PLEASE TYPE OR PRINT WITH BLACK INK ONLY!**

**B. Make sure your form is titled “*Petition for Change of Child Custody, Parenting time and Support.*”**

**C.** In the top left corner of the first page, fill out the following: **YOUR** name; address (if not protected); city; state, zip code; telephone number; and your ATLAS number, if you are receiving or have received AFDC from the Arizona Department of Economic Security. If you are represented by an attorney, write in the attorney’s bar number, and then check the box to say whether you are representing yourself or you are represented by an attorney. If you are represented by an attorney, write in your name in the space provided.

**D.** Fill in the top section where it says Name of Petitioner AND Name of Respondent, exactly as it appears on your original Divorce, Paternity, or Child Custody papers. If your original case was a Paternity, remember that the Plaintiff is now called the Petitioner and the Defendant is now called the Respondent. If this is the first court case you are filing in Maricopa County, write in your name as Petitioner, and the other party as Respondent.

**E.** Fill in your case number on the line next to “Case Number” using your original case number from your paternity, divorce or child custody papers. If your court order was from another county, make sure you follow the steps above and use the new case number the Clerk of Court assigns you.

**GENERAL INFORMATION:**

**F. Information about Me:** Fill in your name, address (if not protected), social security, and how you are related to the children.

**G. Information about the Other Party:** Fill in the other party’s name, address (if not protected) including city, state and zip code, social security number, and how the other party is related to the child(ren).

**H. Information about the children for whom I want the custody/parenting time order changed:** Provide the children’s names, birth dates, and ages. Give information on all the children under 18 years of age for whom you are seeking to make a change in child custody, parenting time and child support.

**I. Affidavit regarding Minor Children.** If the children have resided in Arizona since the entry of the last Arizona Custody Order check the first box. If not, you must attach an Affidavit regarding Minor Children and check the second box. The Affidavit regarding Minor Children form is in the forms packet.

**J. Information about the Order I want to change.** Check box A or box B, and then complete the information after the box you checked. If your previous decree/order is from Maricopa County, check box A, and write in the date the judge signed the Order, and the name of the judge who signed the Order. If your decree/order is from another county in Arizona or from another state, check box B and write the date the judge signed the Order, name of the state (if it applies) and name of the county.

You must also make sure to get a **certified copy** of the decree/order from the other court and then file the certified copy with the Superior Court of Maricopa County when you file your Petition. **Important: If your decree/order on custody is from another County or State, the children usually will need to have lived in Maricopa County for at least six (6) months before you can file for a change.**

- K. Domestic Violence.** Tell the court whether **no** significant domestic violence has occurred, **or** if it has a check explain it to the court.
- L. What your Order now says:** This is where you tell the judge exactly what part of your decree/order you want to change. You should find your current decree/order, read it carefully several times and then decide what parts you want to change. Find the part you don't agree with and then **COPY IT WORD FOR WORD** into the space provided here or you may incorporate the Order and attach a copy of the Order to the judge's copy of the Petition and all other parties' copies of the Petition. Do not attach the Order to the original Petition.
- M. Why the Decree/Order should be changed:** This is where you briefly explain to the judge why you think a change of your decree/order is necessary for the best interest of the child. If you need more room, you can use extra sheets of paper and attach it to this Petition.

**REQUESTS I MAKE TO THE COURT:** This is where you explain to the judge what you want your decree/order on custody to say.

**A. CUSTODY AND PARENTING TIME:**

- 1. JOINT CUSTODY:** If you are asking for joint custody, check this box, and write in the names of the child(ren) in the space provided. If you check this box, complete the **"Parenting Plan"** before you go to the judge for your final order. The **"Parenting Plan"** and **"Parent Child Access Guidelines"** are in the "Orders" packet.
- 2. SOLE CUSTODY:** If you want sole custody, check the boxes that apply, including the parenting time you are asking for. Tell the court whether you want custody of the children to go to you or the other party.
- a. PARENTING TIME:** Mark one box only. You can ask that the non-custodial parent (the parent having physical custody of the child less than 50% of the time) have one of the following types of parenting time:
- 1. Reasonable Parenting time--**this suggests an amount of parenting time appropriate to the age of the child. The Court offers suggested amounts of parenting time. These amounts are based on the Guidelines. If you agree with the Guidelines and want parenting time to be based on the Guidelines, check this box.
  - 2. Reasonable Parenting time by agreement of both parents--** Complete the **"Parenting Plan"** before you go to the judge for your final order. The **"Parenting Plan"** and **"Parent Child Access Guidelines"** are in the "Orders" packet.

3. **Supervised Parenting time to the Non-Custodial Parent.** You should request supervised parenting time if the non-custodial parent cannot adequately care for the child(ren) without another person present. You may request this if the person not having custody abuses drugs or alcohol; is violent or abusive; or, does not have the parenting skills to care for the child(ren) without another adult present. Remember, supervised parenting time is not intended to punish the parent, but to protect the child(ren). You must write the reasons why parenting time should be supervised.
4. **No Parenting time to the Non-Custodial Parent.** You should mark this box **only** if the non-custodial parent has seriously harmed, abused, or otherwise is a serious danger to the child(ren)'s physical and emotional health, or if there is a criminal court order stating there is to be no contact between the child(ren) and the non-custodial parent. This is a last resort to protect the child(ren).

**B. CHILD SUPPORT:** Mark which party should pay child support. Even if you do not want to change the child support amount, the judge will still review all the financial information about child support if the judge is considering to change an order on custody. The person who has custody of the child(ren), or who has physical care of the child(ren) more than 50% of the time is the person who should receive the support. The other party, often referred to as the "non-custodial" parent, must pay the support. The amount of the support is generally determined by income of the parties according to court guidelines. Write in the amount of support you are requesting after you have filled out **the "Child Support Worksheet"** (short version). This form is included in the packet and has instructions on how to fill it out. The **"Child Support Guidelines"** are in the "Orders" packet.

**C. HEALTH, MEDICAL, DENTAL INSURANCE PAYMENTS AND EXPENSES:** Mark which party should be responsible for health, medical, dental insurance and other related expenses. Then write in what percentage mother should pay and what percentage father should pay of those expenses not covered by insurance. The total percentage must be 100%.

**D. INCOME TAX DEDUCTION.** Tell the court whether mother or father should claim the children as income tax deductions every year or every other year.

**E. OTHER ORDERS:** Fill in this information only if you have made other requests to the court. Write the specific additional orders you are requesting the court to make that were not covered elsewhere in your Petition. Use extra pages if necessary.

**OATH AND VERIFICATION:** The Oath and Verification must be signed in front of a notary or deputy clerk. You should only sign the Oath and Verification after you have carefully reviewed your Petition and believe that everything contained in the Petition is true and accurate. By signing the Petition under Oath you are swearing, under penalty of perjury, that the information is true.

5. **WHAT TO DO NEXT:** Read and follow the instructions in the document called Procedures: What to do After You Have Completed the Petition to Change Custody, Parenting time and Child Support.



## SELF-SERVICE CENTER

### PROCEDURES: WHAT TO DO AFTER YOU HAVE COMPLETED THE PETITION FOR CHANGE OF CUSTODY, CHILD SUPPORT And PARENTING TIME (Formerly known as "VISITATION")

**1. Complete all the paperwork:** Here is the court paperwork you must complete:

- **"Order to Appear"** also known as an **"Order to Show Cause."** Complete the information on the top about you, and fill the name of Petitioner and Respondent, and the Case Number.
- **"Affidavit Regarding Minor Children."** If the children have resided in Arizona since the date of the last custody order, you do not need to fill out this form. If the children have not resided in Arizona since the date of the last custody order fill out all of **the "Affidavit Regarding Minor Children."**
- **"Child Support Worksheet."** Follow the instructions that tell you how to complete this form.

**2. Make copies and file the papers with the Clerk of the Court:** Make **three (3) copies** of the paperwork you completed: one for you, one for the judge, and one for the other party.

Each set should contain the following documents:

**Original:**

**"Petition"**

**"Order to Appear"**

**"Affidavit Regarding Minor Children" (if applicable)**

**"Child Support Worksheet"**

**Judge's Copy:**

**"Petition"**

**"Order to Appear"**

**"Affidavit Regarding Minor Children" (if applicable)**

**"Child Support Worksheet"**

**Your Copy:**

**"Petition"**

**"Order to Appear"**

**"Affidavit Regarding Minor Children" (if applicable)**

**"Child Support Worksheet"**

**Other Party's Copy:**

**"Petition"**

**"Order to Appear"**

**"Affidavit Regarding Minor Children" (if applicable)**

**"Child Support Worksheet"**

The filing fee, as of January 1, 1998, is **\$61.00**. If you cannot afford the fee, ask for the paperwork on deferring filing fees. You can also get a deferral of the fees for the sheriff to serve the papers, if you qualify.

File the **original** documents and all the copies listed above with the Clerk of the Court at the filing counter. The Clerk will give you back the **original "Order to Appear"** for the judge to sign. Ask the clerk to stamp the extra copies for you too. These are called "conformed" copies.

**3. Mail or hand-deliver the papers to the judge who is assigned to your case:** Go to the IN-BOX of the judge who is assigned to your case if you are filing your case at the downtown Phoenix Court Center at 201 W. Jefferson, Phoenix, Arizona; or go/mail to the Southeast Court Facility, 222 East Javelina, 2nd Floor, Mesa, Arizona; or go/mail to the Northwest Court Facility at 14264 West Tierra Buena Lane, Surprise, Arizona or go/mail to the North Phoenix Court location at 18380 North 40<sup>th</sup> Street in Phoenix. If you are not sure which judge is assigned, go to Family Court Administration and staff will tell you which judge is assigned and where to take the papers. Also give the judge:

- A 9 x 12 self addressed, stamped envelope so the staff can mail the judge's decision to you.

4. **Wait to hear back from the judge about your court hearing:** Wait a couple of weeks for the hearing date to be set. The judge will write an order stating what the judge decided to do with your case. Read the judge's order carefully, so you know what the judge decided to do next.

The judge's staff will send the judge's decision and papers back to you. You can call the judge's office to learn whether a hearing date has been set.

If the judge decided to hear your case, the staff will return to you the **original and two copies** of the **"Order to Appear."**

5. **Serve the papers on the other party:** If the judge decided to set a hearing, you must arrange for service of the following papers on the other party:

- A **copy** of the **"Petition for Change of Custody, Parenting time and Child Support."**
- A **copy** of the **"Order to Appear"**
- A **copy** of your **"Child Support Worksheet"** and a blank copy.
- A **copy** of the **"Affidavit Regarding Minor Children"** (if applicable)

Sometimes the other party will **ACCEPT** service in which case he/she must sign and you must file **"Notice of Acceptance of Service"** and the original **"Order to Appear."** If the other party does **not** accept service, then you must contact a process server or the sheriff to serve the papers on the other party. Give the process server or sheriff a **copy and the original "Order to Appear."** After service, the process server or sheriff will file an **"Affidavit of Service"** and will file the original **"Order to Appear"** with the Clerk of the Court. If the other party has a lawyer, or a lawyer from the Attorney General's office has appeared in the case on the child support part, then you also **must** mail or hand-deliver a **copy** of the papers to that lawyer.

6. **Go to the court hearing and bring the Order papers. (See packet 3):** Be sure to write down the date, time and place of the court hearing, and go to the hearing. **Be on time.** Dress neatly. Be prepared to present your evidence about why the judge should order the change you requested. Do not bring children to court.

## PARENT'S WORKSHEET INSTRUCTIONS

This worksheet provides the information the court needs to determine child support amounts in accordance with Arizona's Child Support Guidelines. You may get a copy of the Guidelines from the Self-Service Center or on the Internet at [http://www.superiorcourt.maricopa.gov/ssc/forms/alpha\\_list.asp](http://www.superiorcourt.maricopa.gov/ssc/forms/alpha_list.asp) (under "Family Law - Instructions").

### COMPLETE THIS WORKSHEET IF:

- You are a party to a court action to establish a child support obligation **or** to modify an existing order for child support.

**Need help with calculations?** You may use the online calculator at the Supreme Court's website at <http://www.supreme.state.az.us/childsup>, where you enter the numbers and it does the calculating. Assuming your computer is connected to a printer, the online calculator will provide you with a printout that you may use in place of this form. You may also call 602-506-3762 for an appointment for free assistance (in English or Spanish) at the Phoenix, Surprise, or Mesa courthouse locations. Ask for the "Calculations Department".

### TO COMPLETE THIS WORKSHEET YOU WILL NEED TO KNOW:

- Your case number.
- Your monthly gross income and that of the other parent.
- The monthly cost of medical insurance for the children who are the subject of this action.
- Monthly childcare amounts paid to others.
- The number of days the child(ren) spend with the non-custodial parent.
- Monthly obligations of yourself and the other parent for child support or court-ordered spousal maintenance/support.

**FOLLOW THESE INSTRUCTIONS WHICH ARE NUMBERED TO MATCH THE IDENTIFYING NUMBERS IN PARENTHESES ON THE FORM. TYPE OR PRINT NEATLY USING BLACK INK.** The number *in brackets* after the instructions tells you where to look in the **Guidelines** for this item, for example, [Guidelines 5].

### BASIC INFORMATION

- (1) Type or print the information requested at top left for the person who is filing this form. Check the appropriate box to indicate whether you are the Petitioner or Respondent in this case, and also whether you are represented by an attorney. (The spaces marked "for "Attorney Name", "Bar No.", etc, are used **only** if an attorney is preparing this form.)
- (2) Type or print the name of the county in which this worksheet is being filed. (This may already be printed on the form.)
- (3) Type or print the name of the persons shown as the Petitioner and the Respondent on the original petition to establish support or on the Order that established support.
- (4) Type or print your case number and the ATLAS number. If you do not have a case number, leave this item blank. If you do not have an ATLAS number, leave this item blank.

- (5) Enter the number of children from this relationship for whom support is being sought in this court action.
- (6) Check the box to indicate which parent has "primary custody". If not stated directly in a Court Order, who does(do) the child (or children) live with most of the time?
- (7) Check the box to indicate which parent is completing this form.
- (8) Where did you get the figures you are supplying for the other party? Check the box to indicate whether those numbers are Actual, Estimated or Attributed. [See Guidelines 5.E.] Examples of ESTIMATED income: He was promoted to supervisor and I know that position pays more; she has the same job as my sister, who works at the same place and makes this amount. Example of ATTRIBUTED income: My ex-wife was a secretary earning \$1500/month. Now she has remarried and is staying home as a homemaker.

### **MONTHLY GROSS INCOME**

- 
- Terms such as "gross income" and "adjusted gross income" as used here do not have the same meaning as when they are used for tax purposes.
  - "Gross Income" is not your "take home pay", it is the higher amount shown before any deductions are taken out of your check.
  - If you are converting a weekly "gross income" figure to a "monthly gross income" figure, multiply the weekly amount by 4.33 (52 weeks divided by 12 months = 4.33 average weeks in a month).
- 

- (9) Type or print the total amount of your Gross Income each month. Gross income means the amount before taxes and other deductions are taken out. For income from self-employment, rent, royalties, proprietorship of a business, joint ownership of a partnership or closely held corporation, gross income means gross receipts minus ordinary and necessary expenses required to produce income. What you include as "ordinary and necessary expenses" may be adjusted by the court, if deemed inappropriate for determining gross income for child support. Ordinary and necessary expenses include one-half of the self-employment tax actually paid.

#### **Gross Income includes monies from:**

- |   |   |
|---|---|
| • Salaries  | • Self-employment                         |
| • Bonuses   | • Severance Pay                           |
| • Worker's Compensation Benefits                              | • Unemployment Insurance Benefits         |
| • Wages   | • Income from a Business                  |
| • Dividends   | • Pensions                                |
| • Disability Insurance (including Social Security disability) | • Rental Income                           |
| • Annuities   | • Prizes                                  |
| • Royalties   | • Social Security Benefits                |
| • Commissions   | • Trust Income                            |
| • Capital Gains   | • Recurring Gifts                         |
| • Interest  | • Spousal Maintenance (alimony) (Item 11) |

Gross Income **does not include** benefits from public assistance programs such as Temporary Assistance for Needy Families (TANF), Supplemental Social Security Income (SSI), Food Stamps, and General Assistance (GA); and, it **does not include** child support payments received.

Also type or print the total monthly gross income for the other parent, to the best of your knowledge. If a parent is unemployed or underemployed, you may ask the court to attribute income to that parent by entering the amount of what you think that parent would be earning if he or she worked at full earning capacity. The court shall presume, in the absence of contrary testimony, that a non-custodial parent is capable of full-time employment at least at the federal adult minimum wage. [Guidelines 5.E.] This

presumption **does not** apply to non-custodial parents under the age of eighteen who are attending high school. If gross income is attributed to the parent receiving support, appropriate childcare expenses may also be attributed at Item 18.

If you are completing this Parent's Worksheet as part of a modification proceeding and your income is different from the court's most recent findings, you must attach documentation to verify your current income. The documentation should include: your most recent tax return, W-2, or 1099 forms and your most recent paycheck stub showing year-to-date information. If these are not available, provide other documentation such as a statement of earnings from your employer showing year-to-date income.

If you are completing this Parent's Worksheet as part of a modification proceeding and the income you show for the other party is different from that listed on the court's most recent findings regarding income of that parent, you must attach documentation of the amount or mark the box in Item 8 to show that the income amount is estimated or attributed and explain the basis for the amount shown.

### **ADJUSTMENTS TO MONTHLY GROSS INCOME**

(10-11) Type or print the total monthly amount of court-ordered spousal maintenance/alimony you and/or the other parent actually **pay to** a former spouse **or receive from** a former spouse. Also, the amount that is paid or received or *will be* paid or received in this court case each month. Spousal maintenance/alimony paid is a deduction from gross income. Spousal maintenance/alimony received is an addition to gross income. [Guidelines 2.C. and 6.A.]

(12) Type or print the total amount of court-ordered child support you and/or the other parent actually pay [Guidelines 6.B.] each month for children of other relationships, And/Or, if you and/or the other parent are the custodial parent of children of other relationships, based on a "simplified application of the Guidelines", determine an adjustment to enter based on the amount of court-ordered child support you "contribute". [Guidelines 6.C.] Court-ordered *arrearage* payments are not included in either case.

#### **EXAMPLE** (copied directly from the Guidelines):

A parent having gross monthly income of \$2,000 supports a natural or adopted minor child who is not the subject of the child support case before the court and for whom no child support order exists. To use the Simplified Application of the Guidelines, locate \$2,000 in the Combined Adjusted Gross Income column of the Schedule. Select the amount in the column for one child, \$420. The parent's income may be reduced up to \$420, resulting in an Adjusted Gross Income of \$1,580.

(13) You may ask the court to consider the financial obligation you have to support other natural or adopted children for whom there is no court order requiring you to pay support. If you choose to do this, the adjustment amount you may request is determined by a "simplified application of the guidelines". On the Schedule of Basic Child Support Obligations, find the amount that is closest to the adjusted gross income amount of the parent requesting an adjustment. Go to the column for the number of children in question. Enter the amount shown there in Item 13. [Guidelines 6.D.]

(14) **Adjusted Gross Income.** For each parent, add or subtract the numbers in Items 10 through 13 from the number in Item 9. Write the results for each parent on the line in Item 14. This is the Adjusted Monthly Gross Income for each parent. [Guidelines 7]

### **COMBINED ADJUSTED MONTHLY GROSS INCOME**

(15) Add the two numbers in Item 14 together (the one for the father and the one for the mother). This total is the Combined Adjusted Monthly Gross Income.

### **BASIC CHILD SUPPORT OBLIGATION**

(16) On the Schedule of Basic Child Support Obligations, locate the amount that is closest to the Combined Adjusted Monthly Gross Income listed in Item 15. Go to the column for the number of children listed in Item 5. This amount is your Basic Child Support Obligation, enter it in Item 16. [Guidelines 8]

### **PLUS COSTS FOR NECESSARY EXPENSES**

Place in the column for the parent paying the expenses.

- (17) Type or print the monthly dollar amount of that portion of the insurance premium that is or will be paid for court-ordered medical, dental and/or vision care insurance for the child(ren) who is/are the subject(s) of this order. [Guidelines 9.A.]
- (18) If the parent with primary physical custody is working or if you have attributed income to that parent in Item 9, type or print the monthly cost of work-related child care that parent pays. If these costs vary throughout the year, add the amounts for each month together and divide by 12 to annualize the cost. [Guidelines 9.B.1.] (See Guidelines for rules and chart concerning income).
- If the non-custodial parent pays for work-related childcare during periods of physical custody, the amount paid by that parent may also be included here (each month's amount added together and divided by 12 to annualize the cost)..
- (19) Type or print the monthly costs of reasonable and necessary expenses for special or private schools and special educational activities. These expenses must be agreed upon by both parents or ordered by the court. [Guidelines 9.B.2.]
- (20) If any of the children for whom support is being ordered are gifted or handicapped and have special needs that are not recognized elsewhere, the additional monthly cost of meeting those needs should be entered here. [Guidelines 9.B.3.]
- (21) **CHILDREN 12 AND OVER.** If there are no children 12 or over, enter "0" or "N/A" and SKIP to Item 22. Average expenditures for children age 12 or older are approximately 10% higher than those for younger children, therefore the Guidelines call for an adjustment of up to a maximum of 10% to account for these higher costs. If support is being determined for children 12 or older, in the first blank, enter the number of children 12 or older. In the next blank enter how many percent (one, to a maximum of ten percent) you think the amount of child support should be adjusted (increased) due to the child or children being 12 or older.

**If *all* children are 12 or over:**

- Multiply the dollar amount from (16), the Basic Child Support Obligation, by the (up to 10) percent increase, which results in the monthly dollar amount of increase.
- Enter this amount for Item 21. The highest possible increase would be 10% of the basic child support obligation. [Guidelines 9.B.4.]

**If at least one, *but not all* children are 12 or older:**

- Divide the basic support obligation (Item 16) by the total number of children.
- Multiply that figure by the number of children 12 or over.
- Then multiply the result by the adjustment percentage (up to 10%), and enter this amount for Item 21. [Guidelines 9.B.4.]

**EXAMPLE A: All children 12 or older, Basic Child Support Obligation \$300, and 10% Adjustment:**

Multiply Basic Child Support Obligation by % Adjustment:  $\$300 \times .10 = \$30.00$

**EXAMPLE B: Three children, Two 12 or older, Basic Child Support Obligation \$300, 10% Adjustment:**

Divide Basic Child Support Obligation by total number of children:  $\$300 / 3 = \$100$

Multiply answer by the number of children 12 and older:  $\$100 \times 2 = \$200$

Multiply result by the Adjustment Percentage:  $\$200 \times .10 = \$20.00$

- (22) Add the amounts from Items 17, 18, 19, 20 and 21, including both the amounts for you and the amounts for the other parent. Enter the total amount on the line in Item 22.

### **TOTAL CHILD SUPPORT OBLIGATION**

- (23) Add the amounts from Items 16 and 22. Enter the total amount on the line in Item 23. This is the Total Child Support Obligation amount.

### **EACH PARENT'S PERCENTAGE (%) OF COMBINED INCOME** [Guidelines 10]

- (24) For each parent, **divide** the amount written in Item 14 (Adjusted Gross Income) by the amount written in Item 15 (Combined Adjusted Gross Income). This will probably give you a decimal point answer less than 100%. However, if one parent earns all of the income for the family, this number will be 100%.

EXAMPLE:      Item 14 =    \$600  
                    Item 15 = \$1000      \$600 divided by \$1,000 = .60 or 60%

### **EACH PARENT'S SHARE OF THE TOTAL CHILD SUPPORT OBLIGATION**

- (25) For each parent, multiply the number in Item 23 by the number for that parent in Item 24. This equals the dollar amount of each parent's share of the total child support obligation.

EXAMPLE:      Item 23 =            \$189  
                    Item 24 =      60% \$189 x .60 = \$113.40

### **ADJUSTMENT FOR COSTS ASSOCIATED WITH PARENTING TIME (VISITATION) (for NON-Custodial Parent)**

- (26) If time with each parent is essentially equal, *neither* party receives a parenting time adjustment and you may SKIP to Item 27. [Guidelines 12]

Based on the information below, check the box to indicate whether "Parenting Time Table A" or "Parenting Time Table B" applies to the situation regarding the parent who does not have PRIMARY custody, that is, the parent that the children do NOT live with – or live with the LEAST amount of time.

To adjust for costs associated with parenting time, first determine the total number of parenting time days indicated in a court order or parenting plan or by the expectation or past practice of the parents. Using the definitions below, add together each block of parenting time to arrive at the total number of parenting time days *per year*. Only the time spent by a child with the non-custodial parent is considered. Time that the child is in school or in childcare is not considered.

For purposes of calculating parenting time/visitation days:

- A. A period of 12 hours or more counts as one day.
- B. A period of 6 to 11 hours counts as a half-day.
- C. A period of 3 to 5 hours counts as a quarter day.
- D. Periods of less than 3 hours may count as a quarter day if, during those hours, the non-custodial parent pays for routine expenses of the child, such as meals.

**"Parenting Time Table A"** assumes that as the number of visitation days approaches equal time sharing (143 days and above), certain costs usually incurred only in the custodial household are assumed to be substantially or equally shared by both parents. These costs are for items such as the child's clothing and personal care items, entertainment, and reading materials.

**Parenting Time Table B:** If, however, the assumption that such costs are duplicated and shared nearly equally by both parents, is proved *incorrect*, use **"Parenting Time Table B"** to calculate the visitation adjustment for this range of days (and check the box for "Table B" for item (26)).

PARENTING TIME TABLE A			
Number of Visitation Days	Adjustment Percentage	Number of Visitation Days	Adjustment Percentage
0 – 3	0	116 - 129	.195
4 – 20	.012	130 - 142	.253
21- 38	.031	143 – 152	.307
39 - 57	.050	153 – 162	.362
58 - 72	.085	163 - 172	.422
73 - 87	.105	173 – 182	.486
88 - 115	.161		

PARENTING TIME TABLE B	
Number of Visitation Days	Adjustment Percentage
143 - 152	.275
153 – 162	.293
163 – 172	.312
173 - 182	.331

(27)

- For *your* entry for Item (27), add up the total parenting time days for the non-custodial parent.
- Determine whether Table A or Table B applies.
- Look at the appropriate table (“A” or “B”) and find the “Percentage Adjustment” that applies to the number of parenting time days.
- Multiply that percentage by the amount listed for Item (16)

**EXAMPLE:**

If the total amount of parenting time for the NON-CUSTODIAL parent amounts to 75 days and Table A applies, and the amount listed for Item (16), the Basic Child Support Obligation, is \$1000: Look at Table A to see in where “75” fits in. “75” falls between 73 and 87 days, and the Adjustment Percentage listed for that range of numbers is .105. You would then take the dollar amount listed for Item (16), and multiply it by that percentage.

In this example that would be:	Amount from Item (16)	\$1000
	<u>x Adjustment Percent from Table</u>	<u>x .105</u>
	Answer for Item (27)	105.00 or \$105.00

This is the amount you would enter as your answer for Item (27) for either the Father *or* the Mother (ONLY), whichever parent the children **don't** live with the majority of the time.



### **MEDICAL INSURANCE PREMIUM ADJUSTMENT**

- (28) If the parent who will be ordered to make the child support payment is the same parent who will pay the children's health, dental and/or vision care insurance premiums, enter the amount from Item 17 here.

### **NON-CUSTODIAL CHILD CARE ADJUSTMENT**

- (29) If the parent who will be ordered to make the child support payments pays for work-related child-care during periods of visitation, enter the amount from Item 18.

### **EXTRA EDUCATION ADJUSTMENT**

- (30) If the parent who will be ordered to make the child support payment is the same parent who will pay the children's reasonable and necessary expenses for attending private or special schools, enter the amount from Item 19 here.

### **EXTRAORDINARY/SPECIAL NEEDS CHILD**

- (31) If the parent who will be ordered to make the child support payment is the same parent who will pay the special needs of gifted or handicapped child(ren), enter the amount from Item 20 here.

### **ADJUSTMENTS SUBTOTAL**

- (32) For the non-custodial parent, add the amounts entered in Items 27, 28, 29, 30 and 31. Enter the total in Item 32.

### **PRELIMINARY CHILD SUPPORT AMOUNT**

- (33) For non-custodial parent: Subtract the amount in Item 32 from Item 25.  
For custodial parent: Write in the amount from Item 25 for that parent.

### **SELF SUPPORT RESERVE TEST for Parent Who Will Pay Support**

- (34) To calculate the amount to enter in the column for this item:
- Enter *the paying parent's* adjusted gross income from Item 14.
  - Subtract \$775 (the self-support reserve amount).
  - Enter the remainder in the appropriate column for either the Father or the Mother, for Item 34. [Guidelines 15]

If the resulting amount is less than the preliminary child support amount, the court may reduce the current child support order to the resulting amount after first considering the financial impact the reduction would have on the custodial household. The test applies only to the current support obligation, but does not prohibit an additional amount to be ordered to reduce an obligor's (the person obligated to pay) arrears. Absent a deviation, the preliminary child support amount or the result of the self-support reserve test is the amount of the child support to be ordered in Item 35  
[Guidelines 15]

Payor's Adjusted Gross Income from Item 14: \_\_\_\_\_

**SUBTRACT** the Self Support Reserve Test Amount of \$775: **- \$ 775.00** \_\_\_\_\_

Enter the number remaining as your answer for Item 34: \_\_\_\_\_

- (35) **Who pays and how much?** Check the appropriate box to indicate which parent will be ordered to pay child support and write in the same dollar amount shown in Item 34 for each.

### **RESPONSIBILITY FOR VISITATION-RELATED TRAVEL EXPENSES**

- (36) For this Item, list the percentage you think each parent should pay toward the travel/transportation costs for expenses involving travel of more than 100 miles, one-way. The court will decide how to allocate the expense, but you may use the percentages listed in Item 24 for each parent's share of combined income as a guide. The allocation of expense does not change the amount of the support ordered in Item 35. [Guidelines 18]

### **RESPONSIBILITY FOR MEDICAL EXPENSES NOT PAID BY INSURANCE**

- (37) For this Item, list the percentage you think each parent should pay toward uninsured medical, dental and/or vision care expenses for the children. The court will decide how to allocate the expense, but you may use the percentages listed in Item 24 for each parent's share of combined income as a guide. [Guidelines 9.A.]

### **WHEN YOU HAVE COMPLETED THIS WORKSHEET:**

If you have completed this worksheet to **establish** a child support obligation:

- Make a copy of the worksheet for your records;
- Make a copy to send or deliver to the other party and/or the state prior to the hearing;
- Take the original to court at the time of your hearing; and
- Take financial documentation to provide proof of the numbers you have given.

If you have completed this worksheet to **modify** a child support obligation:

- Attach any documentation required;
- Make a copy of the worksheet for your records;
- Make a copy of the worksheet to serve on the other party and/or the state; and
- Attach the original worksheet to the Request for Modification of Child Support and file it with the Clerk of Superior Court.

### **NOTE: DEVIATION FROM THE GUIDELINES AMOUNT**

If you believe the amount of child support shown by this worksheet is too low or too high, the Court has the power to deviate from the guidelines (order support in a different amount), if an order would be unjust or inappropriate. A deviation can only be ordered if the court makes appropriate findings based upon evidence presented by either party or agreement of the parties. [Guidelines 20]